

Remarks

The present response responds to the Official Action mailed July 11, 2003. That action rejected claims 1-14 of the present application under 35 U.S.C. § 103(a) as being unpatentable over Brick et al. United States Patent No. 6,269,342 ("Brick"). This ground of rejection is addressed below, following a brief discussion of the present invention to provide context.

Claims 1-14 are presently pending.

The Present Invention

An electronic price label according to the present invention performs periodic self-diagnosis for faults, and then, it reports detected faults through a visual display or audible tone. Alternatively, these faults are communicated to a central reporting system. The price label includes a processor which controls normal operation for the label, and which also runs a diagnostic program at periodic intervals. The processor, under control of the diagnostic program, exercises each component of the electronic price label and receives responses from the components. The processor then compares the responses received against fault signatures and reports as a failure any response matching a fault signature. The electronic price label performs self diagnosis, relieving the central reporting system from having to make status inquiries to the electronic price label and check the reported status against the expected status in order to determine whether or not the label is faulty. In one aspect of the present invention, during normal operation, the price label periodically issues a "normal operation" signal. If the central reporting system fails to detect the "normal operation" signal during a predetermined time interval, the label is presumed to be faulty and an investigation is performed. In another aspect of the present invention, the price label transmits an indication to the central reporting system to report a fault.

The Art Rejections

Claims 1-14 were rejected under 35 U.S.C. 103(a) as anticipated by Brick. These art rejections are traversed as not supported by the relied upon art as discussed in greater detail below. As a general matter, it is noted that 35 U.S.C. 103 requires that an invention be considered as a whole. When so considered, the present claims are not obvious.

Brick is entitled "Programmable Shelf Tag System" and describes a typical prior art electronic pricing and display system which uses programmable electronic shelf tags. Pricing information is stored on a main central computer. A portable programming device is moved through a retail establishment to update, via IR or RF techniques, the data displayed by the electronic shelf tags.

In contrast to Brick, the present invention provides techniques for a self testing and self diagnosing electronic price label. See claim 1, for example, which claims an electronic price label comprising "a processor adapted to control operation of the memory, the interface and the display, the processor being operative to perform diagnostic tests on one or more of the memory, the interface and the display and report a detected failure of one or more of the diagnostic tests, said processor operative to perform said diagnostic tests and report the detected failure independent of a status request transmitted to the electronic price label from a central computer." Brick does not teach and does not render obvious such a technique.

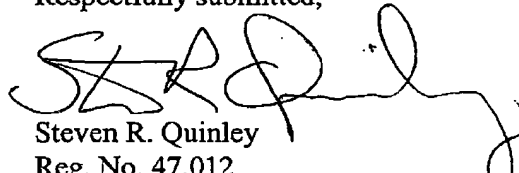
The Official Action states that "Brick discloses a series of self diagnostic tests for each shelf label via an audible or visual 362 (e.g., see col. 15) means." Applicant disagrees. Column 15, and all of the disclosure of Brick, has been carefully searched and there is no teaching of self diagnostic tests for electronic price labels. Applicant is puzzled by this statement as neither of the terms "diagnostic" nor "test" appears in the disclosure of Brick.

The Official Action then somewhat contradictorily appears to admit the Brick does not teach an electronic price label which performs self diagnostic tests by stating that "[t]o periodically perform self-diagnostic tests on each of the shelf labels independent of a status request issued by the central processor for Brick would have been obvious to one of ordinary skill in the art. Doing such would implement well known self-diagnostic testing means." Again, applicant disagrees. Moreover, this conclusory statement is not a sufficient basis for establishing obviousness. See MPEP Section 2143. If this rejection is maintained after the present response, clarification is requested regarding the application of the disclosure of Brick to each of the elements of the present claims.

In summary, nothing in Brick indicates a recognition of the problems of testing electronic price labels addressed by the present invention. Further, nothing in the cited reference indicates a structure which would solve the problems addressed by the present invention. Claims 1-14 are not taught, are not inherent, and are not obvious in light of the art relied upon.

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Respectfully submitted,


Steven R. Quinley
Reg. No. 47,012
Priest & Goldstein, PLLC
5015 Southpark Drive, Suite 230
Durham, NC 27713
(919) 806-1600

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